

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

FORREST THOMAS, III

PETITIONER

v.

No. 3:18CV238-DMB-DAS

WARDEN TAYLOR, ET AL.

RESPONDENTS

**ORDER GRANTING RESPONDENTS' MOTION [10]
TO STAY PROCEEDINGS**

This matter comes before the court on the motion [10] by the State to stay the instant proceedings pending the outcome of a competency hearing in the trial court. Should the trial court find that Mr. Thomas was incompetent at the time he entered a plea of guilty, then the trial court would vacate its judgment of conviction and sentence, which would moot the present proceedings (a challenge to that conviction and sentence). Mr. Thomas has already received a mental evaluation (which often causes a substantial delay in criminal proceedings); as such, the state trial court need only set and conduct the competency hearing. The competency hearing is currently set for December 20, 2019. The motion [10] is well taken and is **GRANTED**. The instant case is **STAYED** pending the outcome of the competency hearing in the state trial court. The State is **ORDERED** to file a notice with the court every 60 days, informing the court of the status of the competency hearing.

SO ORDERED, this, the 4th day of October, 2019.

/s/ David A. Sanders
DAVID A. SANDERS
UNITED STATES MAGISTRATE JUDGE